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Via ECF

March 9, 2023

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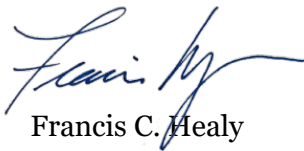
Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

**Re: Stipulation and Order in *In Re: Methyl Tertiary Butyl Ether*
(“MTBE”) Products Liability Litigation, Master File No. 1:00-cv-
1898, MDL 1358, No. 1:14-cv-06228-VSB**

Dear Judge Broderick:

I write on behalf of defendant Hartree Partners, LP (“Hartree”) with respect to the attached Stipulation and Order of Dismissal with Prejudice as to Defendant Hartree Partners, LP Only, filed November 9, 2022 (ECF Doc. No. 894, the “Stipulation and Order”). Based on our review of the docket, the Stipulation and Order has not yet been So-Ordered. Unless the Court requires additional information, we respectfully request that the Court So-Order the Stipulation at its earliest convenience. The Commonwealth consents to this request.

Respectfully,



Francis C. Healy

cc: All Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL
ETHER (“MTBE”) PRODUCTS
LIABILITY LITIGATION

Master File No. 1:00-cv-1898
MDL 1358 (VSB)

This document relates to:

*Commonwealth of Pennsylvania v. Exxon
Mobil Corp., et al.*, No.: 1:14-cv-06228

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS TO
DEFENDANT HARTREE PARTNERS, LP ONLY**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal of Hartree Partners, LP (“Settling Defendant”) with prejudice, and further stipulate that no further approval or review of the Settlement Agreement executed by and between the Plaintiff and Settling Defendant (“Agreement”) by the Court is required. This Stipulation of Dismissal is effective upon filing. *Hester Industries, Inc. v. Tyson Foods, Inc.*, 160 F.3d 911, 916 (2nd Cir. 1998).

Is it hereby ORDERED that all of the claims against Hartree Partners, LP are hereby dismissed, with prejudice and that no further approval or review of the Agreement is required by the Court.

It is further ORDERED that, in any trial of this action, the trier of fact shall determine Settling Defendant’s or any other Releasees’ (as that term is defined in the Agreement) apportioned share of liability for any and all claims in the same manner and in the same form of trial verdict as for all Non-Settling Defendants, as if Settling Defendant or any other Releasee(s) had remained Non-Settling Defendant(s). The Commonwealth’s recoverable damages against Non-Settling Defendants will be reduced in accordance with the procedures and provisions set forth in Section

III.3 (Contribution Protection) of the Agreement, including, if applicable, by any amounts apportioned to Settling Defendant or any other Releasee in a final judicial determination.

It is further ORDERED that, to the extent applicable, all claims against all Defendants named in the above-captioned action (including non-settling Defendants) for all reimbursement payments made or to be made, if any, from the Pennsylvania Underground Storage Tank Indemnification Fund (“USTIF”) to the Settling Defendant, or for any costs incurred or to be incurred by USTIF in connection with such reimbursement payments, if any, to the Settling Defendant, are hereby dismissed with prejudice.

This Stipulation and Order shall not dismiss any other claims by Plaintiff against any other Defendants. In particular, this Stipulation and Order does not dismiss claims by Plaintiff based on payments by USTIF to Hess Corporation or any of its past or parent companies, subsidiaries, affiliates, predecessors-in-interest, and successors in interest.

Plaintiff, Commonwealth of Pennsylvania, By its attorneys, <u>/s/ Michael Axline (with permission)</u> Michael D. Axline Miller & Axline, P.C. 1050 Fulton Avenue, Suite 100 Sacramento, CA 95825 (916) 488-6688 Fax: (916) 488-4288 Email: maxline@milleraxline.com	Defendant, Hartree Partners, LP, By its attorneys, <u>/s/ Francis C. Healy</u> Francis C. Healy Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038 (212) 806-5400 Fax: (212)806-6006 Email: fhealy@stroock.com
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<p>Defendants, Petroleum Products Corporation,</p> <p>By its attorneys,</p> <p><u>/s/ Christopher Scanlon (with permission)</u> Christopher T. Scanlon Clausen Miller PC 28 Liberty Street 39th Floor New York, NY 10005 (212) 805-3979 Fax: (212) 805-3939 Email: cscanlon@clausen.com</p>	<p>Defendant, United Refining Company and TransMontaigne Product Services LLC,</p> <p>By their attorneys,</p> <p><u>/s/ Dawn Ellison (with permission)</u> Dawn Ellison Greenberg Traurig LLP (DC) 2101 L Street, N.W., Suite 1000 Washington, DC 20037 (202) 331-3100 Fax: (202)-331-3101 Email: ellisond@gtlaw.com</p>
<p>Defendants, Exxon Mobil Corporation, Exxon Company, U.S.A., ExxonMobil Refining & Supply Company, Mobil Oil Corporation, and Exxon Mobil Oil Corporation,</p> <p>By their attorneys,</p> <p><u>/s/ Lisa Gerson (with permission)</u> James Anthony Pardo Lisa Gerson McDermott, Will & Emery, LLP (NY) 340 Madison Avenue New York, NY 10017 (212) 547-5353 Fax: (212) 547-5444 Email: jpardo@mwe.com lgerson@mwe.com</p> <p>William Stack Carlos Bollar Archer & Greiner, PC 33 East Euclid Avenue One Centennial Sq. Haddonfield, NJ 08033 (856) 345-3016 Email: wstack@archerlaw.com cbollar@archerlaw.com</p>	<p>Defendants, Sun Company, Inc., Sunoco Inc., Sunoco, Inc. (R&M), Energy Transfer Partners, L.P., ETP Holdco Corporation, and Sunoco Partners Marketing & Terminals L.P.,</p> <p>By their attorneys,</p> <p><u>/s/ Daniel Krainin (with permission)</u> Nessa Horewitch Coppinger Beveridge and Diamond P.C. 1350 I Street NW Suite 700 Washington, DC 20005-3311 (202) 789-6053 Fax: (202) 789-6190 Email: ncoppinger@bdlaw.com</p> <p>Daniel Mark Krainin Beveridge & Diamond, P.C. 477 Madison Avenue, 15th Flr. New York, NY 10022 (212) 702-5400 Fax: (212) 702-5450 Email: dkrainin@bdlaw.com</p>

<p>Defendants, Atlantic Richfield Company, BP America Inc., BP Amoco Chemical Company, BP Holdings North America Limited, BP p.l.c., BP Products North America, Inc., BP West Coast Productions, L.L.C.,</p> <p>By their attorneys,</p> <p><u>/s/ Amanda Jacobowski (with permission)</u> Andrew R. Running Andrew J. Langan Amanda Jacobowski Kirkland & Ellis LLP (IL) 300 North LaSalle Street Chicago, IL 60654 (312) 862-2412 Fax: (312) 862-2200 Email: andrew.running@kirkland.com Andrew.langan@kirkland.com Mark.lillie@kirkland.com Amanda.jacobowski@kirkland.com</p>	<p>Defendants, Chevron Corp., Chevron U.S.A. Inc., TRMI-H LLC, and Texaco Inc.</p> <p>By their attorneys,</p> <p><u>/s/ James Maher (with permission)</u> Charles Correll James Maher King & Spalding LLP (TX) 1100 Louisiana Houston, TX 77002 (713) 751-3200 Email: ccorrell@kslaw.com <u>jmaher@kslaw.com</u></p>
<p>Defendant, Citgo Petroleum Corporation, and Citgo Refining and Chemicals Company, LP,</p> <p>By their attorneys,</p> <p><u>/s/ Pamela Hanebutt (with permission)</u> Nathan Philip Eimer Pamela Hanebutt Lisa Meyer Eimer Stahl LLP 224 South Michigan Avenue Suite 1100 Chicago, IL 60604 312-660-7600 Fax: 312-692-1718 Email: neimer@eimerstahl.com</p>	<p>Defendants, ConocoPhillips Company, ConocoPhillips, Phillips 66, Phillips 66 Company,</p> <p>By their attorneys,</p> <p><u>/s/ Stephan Dillard (with permission)</u> Stephen Cann Dillard Jessica Farley Norton Rose Fulbright 1301 McKinney, Suite 5100 Houston, TX 77010 (713) 651-5507 Fax: (713) 651-5246 Email: steve.dillard@nortonrosefulbright.com Jessica.farley@nortonrosefulbright.com</p>

<p>Defendant, Crown Central, LLC,</p> <p>By its attorneys,</p> <p><i>/s/ Patrick Harvey (with permission)</i> Duke McCall Patrick A. Harvey Morgan, Lewis & Bockius 1111 Pennsylvania Ave. NW Washington, DC 20004 (202) 373-6607 Fax: (202) 739-3001 Email: duke.mccall@morganlewis.com Patrick.harvey@morganlewis.com</p>	<p>Defendant, Cumberland Farms Inc. and Gulf Oil Limited Partnership,</p> <p>By their attorneys,</p> <p><i>/s/ Chad Higgins (with permission)</i> Mark Edward Tully Goodwin Procter, LLP (Boston) 53 State Street, Exchange Place Boston, MA 02109 (617) 570-1289 Fax: (617) 523-1231 Email: mtully@goodwinprocter.com</p> <p>Chad W. Higgins Bernstein Shur 100 Middle Street P.O. Box 9729 Portland, ME 04104 (207) 228-7186 Fax: (207) 774-1127 Email: chiggins@bernsteinshur.com</p>
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<p>Defendants, Equilon Enterprises LLC, Pennzoil Company, Pennzoil Quaker State Company, Motiva Enterprises LLC, Star Enterprise LLC, Shell Oil Company, Shell Oil Products Company, LLC, TMR Company, Shell Trading (US) Company, and Deer Park Refining Limited Partnership,</p> <p>By their attorneys,</p> <p><u>/s/ Peter Condrón (with permission)</u> Peter Condrón Jessica Douglas Gilbert Crowell & Moring, LLP 1001 Pennsylvania Ave., NW Washington, DC 20004 (202) 624-2558 (202) 628-5116 Email: pcondron@crowell.com jgilbert@crowell.com</p>	<p>Defendant, George E. Warren LLC,</p> <p>By its attorneys,</p> <p><u>/s/ Ira Matetsky (with permission)</u> Ira B. Matetsky Ganfer Shore Leeds & Zauderer LLP 360 Lexington Avenue, 14th Floor New York, NY 10017 (212) 922-9250 Fax: (212) 922-9335 Email: imatetsky@ganfershore.com</p>
<p>Defendant, Getty Properties Corp.,</p> <p>By its attorneys,</p> <p><u>/s/ Susan Dean (with permission)</u> John Christie McMeekin II Susan M. Dean Rawle & Henderson, LLP The Widener Bldg., One South Penn Square Philadelphia, PA 19107 (215) 575-4324 Fax: (215) 563-2583 Email: jmcmeekin@rawle.com sdean@rawle.com</p>	<p>Defendant, Guttman Realty Company,</p> <p>By its attorneys,</p> <p><u>/s/ Michael D. Hall (with permission)</u> Michael D. Hall Buchanan Ingersoll & Rooney P.C. 550 Broad Street, Suite 810 Newark, NJ 07102-4582 (973) 424 5609 Fax: (973) 273-9430 Email: michael.hall@bipc.com</p>

<p>Defendants, Premcor USA, Inc., The Premcor Refining Group, Inc., Valero Energy Corporation, Valero Refining Company – New Jersey, Valero Marketing, Ultramar Diamond Shamrock Corporation, and Supply Company, and Valero Refining and Marketing Company,</p> <p>By their attorneys,</p> <p><u>/s/ Erika Anderson (with permission)</u> Erika M. Anderson Megan E. Ball Dowd Bennett LLP 7733 Forsyth Blvd., Suite 1900 St. Louis, MO 63105 (314) 677-4419 Fax: (314) 863-2111 Email: eanderson@dowdbennett.com mball@dowdbennett.com</p>	<p>Defendants, Hess Corporation and Hess Oil Virgin Islands Corporation,</p> <p>By their attorneys,</p> <p><u>/s/ Vernon Cassin (with permission)</u> Vernon Cassin Christopher Danley Baker Botts LLP 700 K St. NW Washington, DC 20001 (202) 639-1139 Fax: (202) 508-9321 Email: Vernon.cassin@bakerbotts.com</p>
<p>Defendants, PJSC LUKOIL, LUKOIL North America LLC, and LUKOIL Pan Americas, LLC,</p> <p>By their attorneys,</p> <p><u>/s/ Joseph Sorkin (with permission)</u> Joseph. L. Sorkin Akin Gump Strauss Hauer & Feld LLP One Bryant Park Bank of America Tower New York, NY 10036-6745 (212) 872-7464 Fax: (212) 872-1002 Email: jsorkin@akingump.com</p>	<p>Defendant, TotalEnergies Petrochemicals & Refining USA, Inc.,</p> <p>By its attorneys,</p> <p><u>/s/ Christopher Domingo (with permission)</u> Christopher H. Domingo Diane L. Myers Jones Day 717 Texas Suite 3300 (832) 239-3827 Fax: (832) 239-3600 Email: chdomingo@jonesday.com dmyers@jonesday.com</p>

SO ORDERED the ____ day of _____, 2022.

UNITED STATES DISTRICT COURT JUDGE